

Appl. No. 10/735,693
Response dated: January 31, 2006
Reply to OA of: October 31, 2005

outstanding rejection is one of anticipation over the Chen et al reference. Accordingly, the rejection of claims 21-25 under 35 U.S.C. 102(a) as being anticipated by Chen et al. has been carefully considered but is most respectfully traversed.

The applied Chen et al reference was brought to the Examiner's attention in an Information Disclosure Statement file on July 20, 2004. At that time, Applicants submitted what is believed to be sufficient evidence to remove the printed article as a reference in accordance with MPEP 716.10. As noted therein, an uncontradicted unequivocal statement from the applicant regarding the subject matter disclosed in an article, patent or published application will be accepted as establishing inventorship. It is not seen where there is a requirement to show relevant portions of the reference as required in the outstanding Official Action. This requirement is traversed and it is request that the information and evidence or record be accepted and the rejection be withdrawn.

As previously noted, Applicants submitted a Declaration Under 37 CFR 1.132 indicating that Yen-Chun Chen who is not a co-author of the cited article entitled "High-Efficiency Red-Light Emission from Polyfluorenes Grafted with Cyclometalated Iridium Complexes and Charge Transport Moiety" published in J. AM. Chem. Soc. on December 18, 2002 but is a joint inventor of the invention claimed in the above identified application and made an inventive contribution to the claimed subject matter executing the declaration under 37 CFR 1.63 filed in the above identified application.

Additionally, two of the co-authors of the above identified article published less than a year prior to the filing date of the present application, M.O. Ahmed and Hao-En Tseng made no inventive contribution to the claimed subject matter of the above identified application.

The inventorship of the claimed subject matter of this application is correct in that the subject article discloses subject matter derived from the applications rather than invented by co-authors Ahmed and Tseng.

Specifically, the 132 Declaration states that, while not a named author, Yen-Chun Chen is a joint inventor of the invention claimed and made an inventive contribution to

Appl. No. 10/735,693
Response dated: January 31, 2006
Reply to OA of: October 31, 2005

the claimed subject matter. The 132 Declaration also states that co-authors M.O. Ahmed and Hao-En Tseng did not make an inventive contribution to the claimed subject matter of the claimed invention and are therefore not included as co-applicants in the present invention.

The Official Action urges that each and every limitation of the claimed invention is met by the Chen reference and that the 132 Declaration has been considered but it is insufficient because the invention was known by others such as Yen-Chun Chen. Applicants specifically traverse the statement. The 132 Declaration is sufficient because it clearly states that Yen-Chun Chen, while not named as a co-author in the prior art reference of record, is a co-inventor of the claimed invention. Therefore, the invention was not known by others as asserted in the Official Action, but only by the inventors of the presently claimed invention. Therefore, Chen et al. clearly does not qualify as a prior art reference that can support a §102 rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

It is believed that the outstanding Official Action also incorporates the statement that the signature of Yongmin Liang is absent in the 132 Declaration. Applicants specifically traverse this statement. Applicants simultaneously filed two copies of the 132 Declaration. The first copy of the 132 Declaration contains the signatures of inventors Show-An Chen, Xiwen Chen and Jin-Long Liao. The second copy of the 132 Declaration contains the signature of inventor Yongmin Liang. Applicants believe that a review of the file will reveal that all necessary signatures are present.

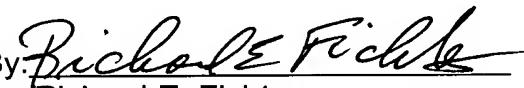
Accordingly, Applicants respectfully assert that the 132 Declaration has been properly signed by all of the necessary parties and that the Chen et al. reference does not qualify as prior art under 35 U.S.C. 102(a) in view of the 132 Declaration. Applicants respectfully request that the rejection of claims 21-25 as being anticipated by Chen et al. be withdrawn.

Appl. No. 10/735,693
Response dated: January 31, 2006
Reply to OA of: October 31, 2005

In view of the above comments, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

By: 
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080

REF:ref
Request for Recon of final.wpd

January 31, 2006